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OLC 78-5402/2

13 October 1978


MEMORANDUM FOR THE RECORD

SUBJECT: Letter to DCI from Chairman George McGovern (D., S. Dak.),  
Senate Foreign Relations Subcommittee on International  
Operations, dated October 3, 1978

1. Since Senator McGovern's letter specifically and exclusively relies upon Section 15(b) of the Act of August 1, 1956, as amended (P.L. 92-226 Section 407(b), 22 U.S.C. 2680(B)), it is significant that Section 15(b) was modified during its legislative processing for the purpose of removing from its purview certain sensitive foreign intelligence activities. While the McGovern letter issues are not necessarily solely resolvable by interpretation of Section 15(b), such interpretation does become a constructive stepping-stone for resolution.

2. Attachment B sets forth the language formulation for Section 15(b) as reported out by the Senate Foreign Relations Committee on 21 October 1977, as amended on the floor of the Senate on 29 October 1971 (underscored language) and as finally agreed to by Conference Committee on 17 December 1971 at the insistence of the House (double underscored language deleted/added).

3. In summary, the provision was narrowed to accommodate the jurisdictional claim of the Chairman of the CIA oversight committee and further narrowed with respect to the activities conducted abroad by non-State agencies. This deliberate and progressive diminution of scope, it is argued exempts from 15(b) sensitive intelligence activities of the CIA especially those conducted abroad, leaving the oversight jurisdiction for those activities within the intelligence oversight committees, then the Armed Services Committee and now the Select Committees.

  
Deputy Legislative Counsel

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Attachments: As stated